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Arizona Corporation Commission

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2015 MAR 19 P 3:13

AZ CORP COMMISSION
DOCKET CONTROL

Attorneys for Tonto Basin Water Co., Inc.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF BROOKE WATER, L.L.C. FOR
APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03510A-98-0073
DOCKET NO: W-03039A-98-0073

IN THE MATTER OF THE APPLICATION
OF DESERT UTILITIES, INC. FOR
APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03511A-98-0074
DOCKET NO: W-02075A-98-0074

IN THE MATTER OF THE APPLICATION
OF HIGH COUNTRY WATER CO., INC.
FOR APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03511A-98-0075
DOCKET NO: W-02417A-98-0075

IN THE MATTER OF THE APPLICATION
OF PINE-OAK WATER CO., INC. FOR
APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03511A-98-0076
DOCKET NO: W-02396A-98-0076

IN THE MATTER OF THE APPLICATION
OF E&R WATER CO., INC. FOR
APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03512A-98-0078
DOCKET NO: W-01576A-98-0078

IN THE MATTER OF THE APPLICATION
OF WILLIAMSON WATERWORKS, INC.
FOR APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03512A-98-0079
DOCKET NO: W-02137A-98-0079

1 IN THE MATTER OF THE APPLICATION
2 OF UNITED UTILITIES, INC. FOR
3 APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03513A-98-0080
DOCKET NO: W-01993A-98-0080

4 IN THE MATTER OF THE APPLICATION
5 OF WILLIAMSON WATERWORKS, INC.
6 FOR APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03513A-98-0081
DOCKET NO: W-02137A-98-0081

7 IN THE MATTER OF THE APPLICATION
8 OF C&S WATER CO., INC. FOR
9 APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03514A-98-0083
DOCKET NO: W-02134A-98-0083

10 IN THE MATTER OF THE APPLICATION
11 OF UNITED UTILITIES, INC. FOR
12 APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03514A-98-0084
DOCKET NO: W-01993A-98-0084

13 IN THE MATTER OF THE APPLICATION
14 OF UNITED UTILITIES, INC. FOR
15 APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03515A-98-0077
DOCKET NO: W-01993A-98-0077

16 IN THE MATTER OF THE APPLICATION
17 OF E&R WATER CO., INC. FOR
18 APPROVAL OF THE TRANSFER OF
ASSETS AND CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO: W-03513A-98-0082
DOCKET NO: W-01576A-98-0082

**TONTO BASIN WATER CO., INC.'S
APPLICATION TO AMEND
DECISION NO. 60972 PURSUANT
TO A.R.S §40-252**

22 During the course of Tonto Basin Water Co., Inc.'s ("Tonto Basin" or the
23 "Company") currently pending rate case,¹ Staff discovered that Decision No. 60972

24 ¹ *In the Matter of the Application of Tonto Basin Water Co., Inc., an Arizona Corporation,*
25 *for a Determination of the Fair Value of Its Utility Plants and Property and for Increases*
26 *in Its Water Rates and Charges for Utility Service Based Thereon, Docket No. W-*
03515A-14-0310.

1 (June 19, 1998), which approved the reorganization of Tonto Basin's predecessors,
2 omitted the Cactus Forest water system from the then new CC&N for Tonto Basin.
3 The omission appears to be inadvertent as the Company has been serving this system
4 continuously since the Decision. Therefore, Tonto Basin submits this application to
5 reopen and amend the Decision to include Cactus Forest in Tonto Basin's CC&N. In the
6 interest of administrative efficiency, the Company requests that this matter be adjudicated
7 parallel to the pending rate case. A hearing is already scheduled for April 20, 2015,
8 at which time any necessary evidence could be taken.²

9 BACKGROUND

10 Briefly, on February 12, 1998, Brooke Water, L.L.C. ("Brooke Water"), Desert
11 Utilities, Inc., High Country Water Co., Inc., Pine-Oak Water Co., Inc., E&R Water Co.,
12 Inc., Williamson Waterworks, Inc., United Utilities, Inc., and C&S Water Co., Inc.
13 (collectively, "Applicants") filed applications for approval of the transfer of certain assets
14 and corresponding CC&Ns.³ The purpose of the applications was to reorganize the
15 structure of Brooke Utilities, Inc. ("Brooke Utilities"), parent to the Applicants.⁴ After the
16 reorganization, seven resulting utilities were to operate Brooke Utilities' various systems:
17 Brooke Water, Circle City Water Co., LLC, Tonto Basin, Payson Water Co., Inc.,
18 Pine Water Co., Inc., Strawberry Water Co., Inc., and Navajo Water Co., Inc.
19 (the "Transferees").⁵ By Procedural Order, issued April 2, 1998, the matters were
20 consolidated. The hearing on the consolidated applications was held June 1, 1998.⁶

21
22 ² On March 16, 2015, Tonto Basin filed a Settlement Agreement between the Company
23 and Staff resolving all issues between the two parties in the pending rate case. Pursuant to
the agreement, Tonto Basin agreed to file this application within 10 days.

24 ³ Decision No. 60972 at 3.

25 ⁴ *Id.*

26 ⁵ *Id.*

⁶ *Id.*

1 On June 19, 1998, Decision No. 60972 was issued, approving Applicants'
2 consolidated applications to transfer assets and CC&Ns to the Transferees. Exhibit 1 to
3 the Decision depicts the reorganization of Brooke Utilities, classifying the various systems
4 under a particular Transferee. Cactus Forest is classified under Tonto Basin. Exhibit 3 to
5 the Decision, however, which sets forth the legal descriptions and corresponding maps,
6 inexplicably omits Cactus Forest from Tonto Basin's CC&N.

7 **RELIEF REQUESTED**

8 It seems clear the original intention of Decision No. 60972 was to include Cactus
9 Forest in Tonto Basin's CC&N, and that the omission is merely an administrative
10 oversight. Tonto Basin started serving the customers of Cactus Forest immediately
11 following the Decision, and continues to serve those customers today. It does not appear
12 that the oversight was known until found by Staff in its analysis in the pending rate case.
13 Tonto Basin believes that amending the Decision consistent with its request is in the
14 public interest, and asks the Commission to grant this application as soon as possible so
15 that it may proceed in parallel with the pending rate proceeding in which the need for this
16 request, which is essentially an administrative remedy, was recently discovered.

17 RESPECTFULLY SUBMITTED this 19th day of March, 2015.

18 SHAPIRO LAW FIRM, P.C.

19
20 By

21 Jay L. Shapiro
22 Attorneys for Tonto Basin Water Co., Inc.
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24
25
26

1 **ORIGINAL** and thirteen (13) copies
2 of the foregoing were filed
3 this 19th day of March, 2015, with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington Street
7 Phoenix, AZ 85007

8 **COPY** of the foregoing was hand-delivered
9 this 19th day of March, 2015, to:

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